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Christianity and gender in South-East China : the chaozhou missions (1849-1949)

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CHAPTER SIX: MARITAL PRACTICE IN THE ENGLISH PRESBYTERIAN CONGREGATION

Introduction

The theme of the current chapter is to explore how the missions handled those cases in which the members of their congregations were not able to conform to the newly introduced high ideals about the Christian marriage. The synodal records of the English Presbyterian churches in Swatow from 1881 to the 1940s form the main sources of this chapter because they contain many cases of bigamy, divorce, concubinage, the custom of taking small daughters-in-law and so on. This also allows me to compare the Presbyterian practices with Elizabeth Poujoulat's research on marriage in the French Roman Catholic parishes in China. I shall demonstrate how a flexible handling of the marriage practices was needed to confront the various problems with which the Chinese converts struggled in their family life.

The English Presbyterian congregations held regular synods on different levels beginning in 1881, in which foreign missionaries and Chinese ministers and elders participated. According to Wu Guowei (吴国维), a minister of this Church in the 1940s, the first constitution of the English Presbyterian church, which included the regulations on "the nuptial and funerary rituals", was drafted at the same time the synod system was established in 1881. Therefore the three constitutions of the English Presbyterian Church in the Chaozhou region will also be consulted. The original marriage regulations are no longer available, but most of them were taken over in the church constitution of 1907. The original forms can be traced via various cases in the synod records and it is interesting to see what new marital problems emerged as time went by. Numerous cases of illicit marital practice occurred between the 1880s and 1934, but from the mid-1930s these become very few and far between. It is reasonable to conclude that by then, after more than fifty years of discussion, the marital regulations of the English Presbyterian Church had been fully established.

Before discussing the details of the controversies, it is essential to sketch the wider context of marriage and the relevant regulations under the Qing dynasty and in the Republican era. The Qing Dynasty reached its end in 1911, but the marriage laws of the *Codes of the Qing Empire* continued to be in force until 1930. Three drafts of marriage laws were compiled in 1909, 1915 and 1926, all of which were based mainly on the *Codes of the Qing Empire*. None was ever put into effect owing to contemporary social unrest stirred up by the machinations of the warlords.⁶³⁵ In the meantime, during the heyday of the Nationalist and Emancipation Movements in China, which lasted from 1924 to 1927,⁶³⁶ very similar laws were put into practice by the Swatow Intermediate Synod and the General Synod. They revised the relevant regulations in order to grant women (including woman missionaries

635 Wang Xinyu, *Study on the Modernization*, pp.42-43, p.47.

636 Ibid., p.46.

and local Christian women) suffrage in the church.⁶³⁷ The value of women was stressed and this concern was reflected at the end of long-term discussions about the prohibition the sale and purchase of under-age daughters-in-law in the Presbyterian congregation. Consequently, the English Presbyterian Church can be said to have been a pioneer in promoting the equality of men and women, a matter in which the Qing government lagged behind, and was also more effective than the Beiyang Warlord Government in Beijing (北洋政府, 1915-1926) in putting the new ideas about marriage into practice.

This is not to say that change was not in the air. In January 1926, the second congress of the Kuo Min Tang passed a Resolution on the Women's Emancipation Movement, which proposed confirming the equality of men and women and the principle of absolute freedom in marriage and divorce by law. The new marriage law of the Nanjing Government was passed in 1930 and continued to be in force until its downfall in 1949.⁶³⁸ Meanwhile, the Chao-Hui Presbyterian Church (潮惠长老大会) was integrated into the Church of Christ in China (中华基督教会全国总会) in 1927⁶³⁹ and changed its name into "Lingdong General Synod" (岭东大会). By then, the 1907 constitution was no longer appropriate to the new circumstances in the Church.⁶⁴⁰ On October 25, 1927, Zeng Huimin (曾惠民) of the Swatow District Synod appealed to the Lingdong General Synod to revise the 1907 constitution. This process lasted from 1927 to 1933, six years in total.⁶⁴¹ The new constitution was put into circulation in 1934.

Although the 1934 church constitution inherited most of the marriage regulations of the 1907 church constitution, in practice it was based mainly on the constitution of the Church of Christ in China.⁶⁴² In 1940s, the Lingdong General Synod again began to revise the 1934 constitution so as to "meet the demands of the new era". Zheng Shaohuai (郑少怀) was the man entrusted with this task. He consulted the contemporary constitutions of various other Protestant denominations in China as well as the previous constitution of the Lingdong General Synod. The new church constitution which appeared in 1948⁶⁴³ was thought to "fit to the modern thought and practice".⁶⁴⁴ Its layout was quite different to the church constitutions of 1907 and 1934. It goes without saying that the regulations on Christian marriage also underwent changes when the church constitutions were revised. Generally the

637 June 13, 1922; October 24, 1922, April 29, 1924, Records of the Swatow Intermediate Synod; June 19 1923, May 6, 1924, Records of the General Synod. Article 89, "Christian women could be elected as elder or deacon"; Constitution of the English Presbyterian Mission (1907). Articles 208 and 330, "woman missionaries who had been elected as deacons could attend the General Synod and the Supreme Synod together with the male missionaries, the local pastors and deacons", *ibid.* Wu Guowei, Zeng Xizhen (曾席珍) and Qiu Jiaxiu (邱家修) contributed to the revision of these regulations.

638 Wang, *Study on the modernization*, p.46.

639 The Ecumenical Church of Christ in China emerged from the National Christian Conference in 1922, it was a Sino-foreign body with a significant degree of Chinese leadership and responsibility, which eventually had a membership of about a quarter of the Protestant Christian community. See Daniel H. Bays, "The Growth of Independent Christianity in China, 1900-1937", Daniel H. Bays ed., *Christianity in China: From the Eighteenth Century to the Present*, Stanford, California: Stanford University Press, 1996. p.308.

640 *Zhonghua jidujiaohui lingdong dabui huihang*《中华基督教会岭东大会会章（暂行试用）》[Constitution of the Lingdong Council, the Church of Christ in China (probational)], 1948. Preface by Wu Guowei (吴国维), p.15.

641 Both the prefaces of the 1934 and 1948 constitutions recorded that the General Synod started to revise the 1907 constitution in 1928. Hu Weiqing made a mistake to say that the second constitution came out in 1928 and reprinted in 1934. See Hu & Yao, "Between Sanctity and Secularity", p.17, Note 28.

642 *Zhonghua jidujiaohui lingdong dabui gongli*《中华基督教会岭东大会公例》[Constitution of the Lingdong Council, the Church of Christ in China], Shantou: Shengjiao shuju, 1934. "Preface".

643 *Constitution of the Lingdong Council* (1948), p.22.

644 *Ibid.*, "Preface", by Wu Guowei.

church constitutions (1907, 1934, 1948) did not bear the marks of the civil laws but belonged to the church juridical system, though sometimes the missionaries would resort to the civil laws for help in solving some complicated cases.

Bigamy

The primary marital problem frequently confronted by the Church leaders was bigamy. Before commencing a discussion, it is essential to clarify this point first: the modern concept of *Chong hun* (重婚, double marriages, i.e. “bigamy”) was not used in this period. The *Codes of the Qing Empire* describe cases which fall into this category as *you qi geng qu qi* (有妻更娶妻), “a man who has a wife marries a second wife” and both these wives had an equal position in the household. Even though the Codes gave the husband the right to marry a concubine, who was considered an inferior secondary wife, they forbade him to marry a second wife with a position equal to the first one.⁶⁴⁵ Because of the fact that so many men worked abroad, the problem of bigamy was rife in the Chaozhou region, among the Christians and non-Christians alike. Often the male emigrant workers had two households (二头家), one in Chaozhou and one elsewhere in the South-East Asia. Since the Codes gave the wife no right to divorce her husband, all she could do under these circumstances was to accept the fact and wait for her absent husband to return to her. In 1906, Duncan Ferguson in Tainan city in Taiwan noted that usually it was the chief wife herself “who connived at the marriage of the secondary wife”.⁶⁴⁶ Some women personally looked for a concubine to keep her “lonely” husband who was living far away from home company. They did so because they espoused the traditional female virtue that a wife should take care of her husband. If she could not fulfil her duty because they did not live together, she should look for a concubine to take her place.⁶⁴⁷ The law of bigamy in the Codes did not consider a case in which a woman married two husbands (polyandry). However, it seems that under the influence of the new Christian ideas about marriage, some grass widows were no longer willing to wait for their absent husbands to return to them. They hoped to contract better marriages within the Christian congregation, which caused a flux of cases in which a male Christian married a woman who already had a husband (albeit thousands of miles away). In the Presbyterian congregation, the phrases *qu you fu zhi fu* (娶有夫之妇, a man marries a woman who has husband) and *jia you fu zhi fu* (嫁有妇之夫, a woman marries a man who has wife) were used to indicate these cases of bigamy. Although the Christian churches forbade both types of bigamy, nearly all of the cases of bigamy in this congregation concerned the former.

In the early 1880s, the General Synod received Donald MacIver's (纪多纳) report that Qui

645 《大清律例通考》，卷十，户律婚姻，妻妾失序律文：“若有妻更娶妻者亦杖九十，后娶之妻离异，归宗。” See also Fielde, *A Corner of Cathay* p.28.

646 Ferguson, “Relation of Converted Polygamists”, p.186.

647 The wife of Qi Baishi (齐白石) was typical of them. Qi was a famous contemporary Chinese painter. When he began his painting career in Beijing in 1919, his wife travelled a thousand miles to Beijing from his hometown Xiangtan (湘潭) in Hunan province, in order to arrange a concubine for her husband to fulfil her duties as a wife.

Azhong (邱阿忠) of the Luoxi (螺溪) church, in Hetian (河田) district, had not only married a woman who already had a husband, he also observed heathen customs (屡染俗务). The General Synod decided to expel Qui Azhong from the church.⁶⁴⁸ Not much later, on October 15, 1884, Lin Fang (林芳) reported to the General Synod that Aunt Shun (顺姑), wife of Lin Tian (林田) in the Mianhu (棉湖) church, had left her husband and married another man. George Smith (施饶理) sent Hur L. Mackenzie (金护尔), John Campbell Gibson (汲约翰) and Donald MacIver, three foreign missionaries, and Sun Guifeng (孙桂峰) and Peng Qifeng (彭启峰), two local elders, to carry out a joint investigation at the Mianhu Presbytery.⁶⁴⁹ On May 6, 1885, Gibson reported that, in view of the “grave sin” committed in this case, they should not make a hasty decision. Sun Guifeng and Peng Qifeng were therefore sent to Mianhu again, where they would work in collaboration with the local Presbytery to resolve the matter.⁶⁵⁰ Five months later, John Gibson announced the judgement: the Mianhu Presbytery forbade Lin Tian’s wife to attend the liturgy and persuaded her to return to her original husband. She promised that she would try her best to obey this instruction.⁶⁵¹ Sketchy records prevent me from investigating the actual situation which made it so difficult for Aunt Shun to go back to her ex-husband, but this is the first case which indicates that a Christian woman tried to get rid of her husband and marry another man.

The rulings in these two cases clearly illustrate the attitude of the English Presbyterian Mission to bigamy in the early stages of its work. In a nutshell, attempts were made to maintain the purity of marriage and to gainsay bigamy among converts. Nevertheless, cases of bigamy continued to emerge. Could those who transgressed be re-admitted to the Church after they repented? Since regulations on this sort of situation were absent, Peng Song (彭松) asked the General Synod for advice. Guan Jicheng (官集成) proposed entrusting Donald MacIver, seconded by P. J. Maclagan (安饱德), Peng Qifeng, Lin Fang, Sun Guifeng, Lin Qi (林起), with this task.⁶⁵² One year later, on May 3, 1893, Donald MacIver handed in the regulation on bigamy.⁶⁵³ It read:

Before believing in the doctrine [i.e. before conversion, CXy], a catechumen might have exhibited the following behaviour: a man might take⁶⁵⁴ a woman who has a husband, or a woman might marry a man who has a wife, or a woman might get rid of her husband and “remarry”, or a man might discard his wife and “remarry” and so on. These circumstances are complicated and impinge greatly on the reputation of the church. Hence in the event of such behavior occurring, the Presbytery of the local church should make a thorough investigation and hand the cases over to the General Synod for judgement. A convert who indulges in such conduct, or induces someone else to do so, should be excluded from attending the liturgy (禁

648 On May 6, 1885, Records of the General Synod, C282, the Shantou Municipal Archives.

649 On October 15, 1884, *ibid.*

650 On May 6, 1885, *ibid.*

651 “汲约翰等覆其经与棉湖长老会同行办理林田嫂之事，已禁其晚餐，并劝之归其原夫。彼有许欲设法遵行。” On October 14, 1885, *ibid.*

652 On May 4, 1892, *ibid.*

653 On May 3, 1893, *ibid.*

654 “The Chinese say that a woman marries, while a man takes a wife”, see Fielde, *Pagoda Shadows*, p.33.

隔), and his case should be reported to the General Synod for judgment.⁶⁵⁵

This regulation concerns both those who wanted to be admitted to the Church and those who were already members. It reveals that the General Synod obviously did not welcome bigamists among its inquirers (aspiring converts) or converts and that the first punishment meted out to a convert who violated this regulation was exclusion from Communion (ex-communication). However, there was leeway for the members of the General Presbytery to make their own decisions according to specific circumstances. The following cases should make this point clearer.

On April 21, 1897, Peng Qifeng reported that Huang Zhengming (黄郑明) of the Fengkou (枫口) church had married a woman who had a husband. John Steele (池约翰), Huang Shouting (黄寿亭) and Lin Zhangzao (林章造) were sent by Donald MacIver to investigate this matter.⁶⁵⁶ Nearly a year later, Lin Fang reported that Huang Zhengming should not be excluded from the church for the following two reasons:

1. Although the husband of the woman whom Huang Zhengming had married had not yet passed away, he can never return home because he is a bandit and has been driven into exile. Having been cheated once, this woman now rids herself of such a husband, hence her sin is lighter compared to those who discard their husbands simply to remarry. Hence, whoever marries her also commits only a venial sin.
2. Huang Zhengming deeply regrets his sin. He is more enthusiastic about serving God than before, hence he cannot be banned from the Holy church.

It turned out that the previous husband of Huang Zhengming's bride could never return home as a result of the ruthless pacification campaign launched by General Fang Yao (方耀) in 1870 in order to restore peace in the Chaozhou region after the Taiping Rebellion (1848-1865).⁶⁵⁷ Lin Fang went on to propose that, if Huang Zhangming were to come to the church for communion, provided he sincerely repented and had advanced along the road to Heaven, the Fengkou Presbytery could permit him to do so.⁶⁵⁸ In this particular case, the fate of this unfortunate woman as a grass widow and the growing fervour of Huang Zhengming allowed the General Synod to pardon him and allow their marriage. Whether the marriage was celebrated or solemnized in church has to remain a mystery because of the lack of sources.

However, if the original husband of a remarried woman could be reached, the marriage would be allowed only if he himself (the ex-husband) had remarried. On March 9, 1904, John Gibson reported that Cai Judi (蔡居弟) of the Longzhi (陇子) Church had been excluded from the church a long time ago for marrying a woman who already had a husband. Though recognizing his sin but not wanting a

655 Article 386, *Constitution of the English Presbyterian Mission* (1907).

违法嫁娶: 386: 凡未信道时曾娶有夫之妇或妇人嫁有妇之夫以及脱夫另嫁、弃妇另娶与凡类此等事者, 其中关系重大, 层折甚多, 故各堂会倘遇有此等事端, 该长老会务必彻底详察, 禀明大会察核主裁。至于会内男女若有犯此等事者, 与凡引诱人为此事者, 均宜禁隔, 并当禀明大会分别办理。

656 On April 21, 1897, Records of the General Synod, the Shantou Municipal Archives

657 Lee, *The Bible and the Gun*, pp.14-16. See also Chen Liming, "The Penetration of the Foreign Culture", p.298.

658 On May 4, 1898, *ibid*.

divorce, Cai hoped he could be re-admitted to the church. Lin Fang asked the itinerant clergyman to investigate whether the ex-husband of this wife had remarried because, if he had done so, Cai Judi could be re-admitted.⁶⁵⁹ The answer came five months later: the original husband had not remarried, therefore John Gibson dared not re-admit Cai. The General Synod accepted Xie Youpeng's (谢友朋) proposal that the clergyman should be given the discretion to solve this case according to its specific circumstance.⁶⁶⁰ Was Cai was re-admitted in the end? The records are silent. However, this case is significant because it shows that Donald MacIver's regulation on bigamy was implemented flexibly: even if the sin of bigamy was confirmed, there was still leeway for the clergy to determine whether to re-admit an excluded convert depending on his moral behaviour. Whatever the final outcome, usually the sinner would be excluded pending the Presbytery's final judgement. This required a period of inspection which could last many years. Qiu Azhong, who committed bigamy in the early 1880s and was excluded in 1885, still attended worship in church regularly for nearly twenty years and, on several occasions, implored the synod to be re-admitted as a full member.⁶⁶¹ In 1900, Peng Qifeng entrusted Qiu Azhong's case to a minister.⁶⁶² The result of this meeting was uncertain. The cases of Qiu (1885) and Cai (1904) show the attitude of the General Synod, especially the attitudes of the foreign missionaries, moderated from severe to tolerant. If the decision to dismiss of Qiu Azhong had been made quickly by Donald MacIver in 1885, twenty years later John Gibson thought the judgement on Wei Xihua's case should be considered carefully.⁶⁶³

As has been pointed out by Hu Weiqing,⁶⁶⁴ the eleven cases of bigamy which occurred between 1881 and 1907, all concern bigamy by women, not by men. Only three cases concerned bigamy by men, one in 1912 and two more in the early 1930s.⁶⁶⁵ One rather tantalizing question is why so many women who already had husbands were still courted by other men. Hu suggests the fact that Christian women discarded their husbands and remarried is an evidence of the autonomy they acquired in marriage.⁶⁶⁶ Importantly, I believe these cases should be contextualized within the long-standing tradition of overseas emigration in this region. Huang Zhengming's case reveals one of the reasons. In the late-nineteenth and early-twentieth century, many young Chaozhou men went to South-East Asia in search of a job. The wives of these emigrant workers had to wait at home for their husbands, because Chinese women were forbidden to accompany their husbands abroad by the Qing government. Only at the beginning of the twentieth century was this ban on the emigration of women overseas revoked. Nevertheless, in most circumstances husbands who earned a living abroad preferred their wives to remain at home to take care of their family and venerate the husband's ancestors. These wives who

659 On March 9, 1904, *ibid.*

660 On August 26, 1904, *ibid.*

661 On May 3, 1899, *ibid.*

662 On May 1, 1900, *ibid.*

663 Wei was a convert of the Jieyang Church. He was excluded because of bigamy. The church considered whether to readmit him on May 13, 1905 Records of the General Synod.

664 Hu, "The Mode of Misery", p.300.

665 Zhu Juhua (朱菊花) in Liushaxu (流沙墟), Puning district, on October 1, 1912; Cai Chunfu (蔡春福) in Outing (鸥汀), Chenghai district, on April 28, 1931; Cai Zongguang (蔡宗光) in Longjiang (隆江), Chaoyang district, on April 26, 1932.

666 Hu, "The Mode of Misery", p.300.

were left behind counted themselves fortunate if they received regular remittances sent from abroad by their husbands. Many received no news from their husbands for years or even never heard from them again. This made them poverty-stricken grass widows who had to look elsewhere for ways to support themselves and their families.

Like the Protestant Church, the Roman Catholic Church also insisted on the indissolubility of marriage and forbade bigamy. It too allowed the remarriage of grass widows under certain conditions, a fact which emerges from the following regulation dating back to 1865:

The bonds include that of marriage by which the couple contracts between them that, while one of the two is still alive, neither of them (if they are Christians) can contract a valid marriage with another party; however, if one of the couple is absent for a long time, the other is allowed to marry licitly, as this is a vested fact that the previous spouse is dead.⁶⁶⁷

In this case, on the remarriage of a grass widow, a witness should swear an oath affirming that he had witnessed the death of the first spouse, as Poujoulat points out.⁶⁶⁸ Does this imply that the Roman Catholic Church allowed people to “assume” that the earlier partner was dead without actual proof, and then allow women to remarry? Such a hypothesis requires further research.

Partly on account of the transmission of new Christian ideas about marriage, partly because of the Women’s Emancipation Movement in the 1920s, some of the wives in Chaozhou were no longer willing to wait for their absent husbands. As a result, cases of bigamy were a frequent occurrence in the Presbyterian congregation before 1948. In the 1948 constitution of this church, the modern Chinese terminology, *chong hun* (重婚, double marriages), was used for bigamy. Although the new regulation still required that those who committed bigamy should be dismissed from the church, a new point was added: if the problem of bigamy has been solved legally,⁶⁶⁹ providing that the guilty party and his or her family still follow the Christian doctrines fervently, he or she could be re-admitted into the church after a certain period.⁶⁷⁰

Divorce

In the previous chapter, it was shown that the indissolubility of marriage was a very important tenet to the Christian missions but that, under certain circumstances, the regulations of the Basel Mission did allow a divorce. At this juncture, it would be instructive to examine some divorce cases which occurred in the English Presbyterian congregation. Between 1894 and 1904, six cases of divorce were recorded among the converts. Like the concept of *chong hun* (bigamy), the concept of *li hun* (离婚, “divorce”) was

667 “Par lien est compris le lien du mariage par lequel les conjoints se lient ainsi entre eux afin que, tant que l’un des deux est vivant, ni l’un ni l’autre (s’ils sont chrétiens) ne pourrait contracter un mariage valide avec quelqu’un d’autre; mais cependant, si un des conjoints est absent pendant longtemps, l’autre est admis à se remarier licitement, lorsque c’est un fait établi que le premier conjoint est mort.” *Les Facultés apostoliques et leur commentaire auxquels s’ajoute un guide à l’usage des missionnaires de la province du Kiang-Si* (1879), see Poujoulat, *Le mariage*, p.135.

668 “Il faudra donc qu’un témoin affirme sous serment avoir vu le premier conjoint mort”, *ibid.*, p.135.

669 The ideal solution was that a male or female Christian should separate from his/her second wife/husband.

670 *Constitution of the Lingdong Council* (1948), p.22.

not used during this period. Phrases like *qi fu ling qu* (弃妇另娶, namely “to discard one’s wife and marry another”) or *tuō fu ling jià* (脱夫另嫁, “to get rid of one’s husband and marry another”) were used instead of the term for divorce.

On June 20, 1894, after a co-investigation of the remarriage of Chen Chi (陈赐) by John Gibson and the Mianhu Presbytery, the secretary of the General Synod proposed that,⁶⁷¹

1. The Lord the Savior has said explicitly that those who discard their wife and marry another, commit adultery. But there is an exception: this couple has been separated for eight years, and can not reconcile despite the exhortation to do so by the local headmen and their relatives. Neither did Chen Chi legally state his departure (辞别, divorce) to his ex-wife, nor did he inform the pastor and elders. Furthermore, after the explicit reproach of the pastor, he still refused to obey the instructions but followed his own will. Such behavior violates the regulations, and therefore he should be excommunicated.
2. We should regard the marriage between Chen Chi and Cai Ruo (蔡若) as dissolved.
3. We should ask Chen Chi to give Cai Ruo a written statement explicating the rupture of their marriage.
4. We should entrust the General Synod to order Chen Chi and Cai Ruo to draft a stipulation that there are no more material bonds among them.
5. We should entrust the General Synod to ask both parties to spare and forgive each other, and not hate each other.

Two copies of this resolution were made. One copy was entrusted to the deputy of the Mianhu Presbytery (Li Zaizao, 李再造, an elder) to be handed over to Chen Chi. The other copy was given to John Gibson, a minister, to pass on to Cai Ruo. Cai promised to obey when she received this resolution,⁶⁷² but Chen Chi was not satisfied. He tried to bluff his way out saying that his ex-wife had deserted him and therefor he demanded compensation from her. Only then did the General Synod order the Mianhu Presbytery to dismiss him from the church.⁶⁷³

Three points emerge from the solution of this case. The first is that it was important to clarify who was at fault: did the husband discard his wife and remarry, or had he been left by his wife? Secondly, the traditional method of “divorce”, when a husband handed over a *xin shu* (休书, a written statement) to his wife, was still practised. Thirdly, a new measure which involved the making of a joint stipulation was brought in. This helped to protect the rights of both parties, especially those of the wife. Nevertheless, Chen Chi claimed that he was the victim, and followed neither the traditional nor the new divorce procedure; therefore, he was doomed to be dismissed from the church. Cai Ruo, with the support of the church, was freed from the arbitrary treatment of her husband.

Although not as obstreperous as Chen Chi, other male converts shared a similar dominant mentality: they divorced their wives citing the traditional “seven justifying causes”. In 1902, Yang Xingsheng (杨兴盛) of the Denggang (登冈) Church divorced his wife for theft.⁶⁷⁴ Two years later, in

671 On June 20, 1894, Records of the General Synod.

672 On October 3, 1894, *ibid*.

673 On October 2, 1895, *ibid*.

674 On May 2, 1902, *ibid*.

the same church Wang Qianshu (王谦书) divorced his wife Hong (洪氏) after accusing her of adultery.⁶⁷⁵ In the first case, the General Presbytery immediately decided to excommunicate Yang Xingsheng and his father, who supported his son. The involvement of both the General and Local Presbytery achieved a positive result: both Yang Xingsheng and his father repented and pleaded to be re-admitted by the church. The case of Wang Qianshu and Lady Hong did not have such a happy ending. After a careful inquiry, John Gibson reported the results of investigation as follows:

1. Wang Qianshu charges that his wife has committed adultery with someone else, but there is no substantial evidence to prove this; Lady Hong charges her husband for contriving a plot to accuse her, but the man says that he had no such an intention.
2. Wang Zhake (王乍可), an old friend of Qianshu, has entered freely in the latter's house day and night since a long time ago. Wang Qianshu's parents were not alerted by this. If this woman has a secret affair with Zhake, it is also the fault of Wang Qianshu's parents. This woman should not be accused of everything.
3. After hearing of this scandal, Qianshu's father did not make an investigation, but agreed with his son's arbitrary decision to marry off his daughter-in-law before a resolution of the General Synod had been passed. What Qianshu did is arbitrary, and he has not given a penny to provide Lady Hong with basic necessities.

Gibson therefore proposed the following resolution: Wang Qianshu should take his wife, Lady Hong, back and the latter should be willing to return to her husband's home. Both parties should be reconciled and achieve a degree of harmony which would be above suspicion, so as to enjoy a blissful family life together. The proposal for the remarriage would not be entertained since this deviated from the right way/orthodox path (正道).⁶⁷⁶ Although the couple was informed of the resolution, there was no reply⁶⁷⁷ until more than one and a half years later. On March 25, 1906, Wang Qianshu sent a letter to the General Synod saying that he could not obey the resolution decreeing that he should take Lady Hong back. The General Synod condemned his stubborn attitude and reminded this couple once again that the marital bond between the two parties had not yet been broken, and therefore that both should follow the true doctrine. Since the attitude and resolution of the General Synod had been clearly spelled out, it decided that this ended the discussion of this case.⁶⁷⁸ However, the same case was re-opened one year later, because of a petition by a female convert, whose identity was not recorded. Such a happening was quite unusual before the 1920s when all the deputies of the General Synod were men. This petition revealed that Wang Qianshu had repudiated his wife and had remarried a certain Lady Guo (郭氏) in the October of the previous year (1906).⁶⁷⁹ Four months later, after hearing the relevant persons, P. J. MacLagan reported that it was Wang Qianshu who had broken his marital bond

⁶⁷⁵ On August 26, 1904, *ibid.*

⁶⁷⁶ On August 26, 1904, *ibid.*

⁶⁷⁷ On September 6, 1905, *ibid.*

⁶⁷⁸ On March 25, 1906, *ibid.*

⁶⁷⁹ On April 17, 1907, *ibid.*

with Lady Hong and consequently the General Synod decided to expel Wang from the church.⁶⁸⁰ The church lost a convert and Lady Hong was repudiated by her husband because of suspected adultery. Faced with having to deal with such a putatively disreputable wife, Wang Qianshu had resorted to the seven justifying causes without hesitation. What eventually happened to Lady Hong? There is no clue whatsoever but one point is for sure: she was repudiated by her husband. The solution to these two cases reveals that, compared to theft, one of the seven accusations which could be used to divorce a wife, adultery was much more harmful to the reputation of a woman.

The cases discussed so far were between Christians. The following case shows how the Presbyterians dealt with a case between a Christian and a non-converted partner. On March 9, 1904, a special case was brought to the attention of the General Synod by the deputy from Fushan (浮山). In Huanggang (黄冈) Church, Zheng Qing (郑青) had a wife who had practised abstinence since she married him. She had been unwilling to cohabit with him for seventeen years. Could their marriage be dissolved and could Zheng Qing remarry? Considering the rarity and complex nature of this case, P. J. MacLagan proposed entrusting John Gibson, Liu Zerong (刘泽荣), Guan Jicheng and Zang Chengbo (詹承波) with the task of asking them to fathom the doctrines in the Bible (考求圣经道理) and give an answer at the next Synod.⁶⁸¹ Half a year later, Gibson specified the admonishments they had tried in his report:

After being dispatched in the Autumn Synod last year, Zang Chengbo, in the company of a group of sisters from Fushan Church, tried to admonish Zheng Qing's wife several times, however, she was always stubborn. On March 15 this year, I went to Huanggang to meet her. She was at her natal home then. I dispatched someone to invite her to the church, but she refused to come. Her father tried to persuade her, but there was no hope she would change her mind. Thus we should follow what the apostle said: "if the unbeliever departs, let him or her depart."⁶⁸² Zheng Qing has done his best to seek reconciliation with his wife since his conversion.

Considering the long-term separation (seventeen years!) of this couple, it had passed the point of no-return, despite Zheng Qing's endeavours to seek a reconciliation, and the efforts of the minister, elders, evangelists and other Christian women to take Zhengqing's wife to task. Therefore, Gibson proposed that Zheng Qing could divorce his wife on the basis of the Scriptures. Seeking an answer to the matter of remarriage, Gibson found it difficult to find relevant texts in the Bible. Therefore, he asked the secretary of the general Synod to admonish Zheng Qing's wife one more time. If his wife was still unwilling to return home, Zheng Qing would be allowed to remarry three months later. Gibson's proposal was accepted by the General Synod.⁶⁸³

Eight months later, when the final effort to achieve reconciliation had failed, Zheng Qing was allowed to remarry. However, on account of the lack of relevant regulations in the constitution of the

680 On August 25, 1907, *ibid.*

681 On March 9, 1904, *ibid.*

682 I Corinthians. VII:15.

683 On August 26, 1904, *ibid.*

church, John Steele consulted the *Codes of the Qing Empire* and came to the following conclusion: after the first time that Zheng Qing persuaded his wife to return to her parents, he should have waited a period of three years before handing a petition over to the General Synod in which he set out his plan to remarry. Only then should the General Synod have issued a paper testifying to the rupture in Zheng's marriage and inform his ex-wife. He could only remarry after all these procedures had been carried out. Gibson reported that Zheng had endured three years' suspension. Only then did the secretary hand him a paper confirming marital rupture, which ended the torturous process of this divorce case.⁶⁸⁴

Of the six divorce cases with which the General Synod dealt from 1894 to 1904, one resulted in a reconciliation, two in amicable divorces and three in the dismissal of the male converts from the church. This record shows that the involvement of the General and the Local Presbytery did not always achieve the result desired. Having been raised in Chinese society, the first two generations of Chinese male converts showed that they were more likely to judge their spouses according to Confucian doctrine. In times of marital crisis, they still resorted to the traditional seven justifying causes to free themselves of their erring wives. These causes could be misused by a dishonest husband, no matter whether his accusation was true or not. As for the wives in these cases, not a single word of their own was recorded and whether they consented willingly to the divorce or not is hard to say. The involvement of the local presbyteries did give them some support. Some female converts even petitioned the General Synod directly when they ran into marital problems. Compared with the male converts, female converts seem to have been more obedient to the Presbytery's instructions. Zheng Qing's wife was an exception, but she was not a Christian.

In the early 1920s, divorce became a more urgent problem in marriages between non-Christians and Christians, especially after the freedom to divorce was safeguarded by the Resolution of the Women's Movement in January 1926.⁶⁸⁵ The investigation of the scholar Wu Zhixin (吴至信) shows that between 1917 and 1933 the general divorce rate in Beijing kept rising, although it still lagged behind southern cities like Shanghai, Hankou, Guangzhou and Hangzhou.⁶⁸⁶ Between 1928 and 1934, discussions about divorce frequently occurred within the Presbyterian congregation. On April 26, 1932, Thomas Gibson⁶⁸⁷ proposed that the problem of *li hun* (离婚, divorce) be discussed in the Autumn Synod.⁶⁸⁸ A heated debate ensued, but this proved fruitless, so that Lin Zhichun (林之纯) proposed this item be postponed until the next synod.⁶⁸⁹ Eight months later, H. F. Wallace (华河力), who

684 On May 3, 1905, *ibid.* The Basel mission had a similar regulation, see *Regulations of the Basel Mission*, Article 91: “若未信道者, 断不愿与信者同居, 则信者不为法所拘。但要俟候日久, 方可再得嫁娶。”

685 Wang Xinyu, *Study on the Modernization*, p.46.

686 Wu Zhixin 吴至信, “Zuijin shiliunian zhi Beiping lihun'an” 《最近十六年之北平离婚案》 [Cases of Divorce in the Past Sixteen Years in Beiping (Beijing)], Li Wenhai 李文海, Xia Mingfang 夏明芳, Huang Xingtao 黄兴涛 eds., *Minguo shiqi shehui diaocha congbian: Hunyin jiating juan* 《民国时期社会调查丛编 婚姻家庭卷》 [Compilation of the Social Investigations in Modern China: Volume on Marriage and Family], Fuzhou: Fujian jiaoyu chubanshe, March 2005. p.382.

687 A missionary of the English Presbyterian Church in Swatow, John C. Gibson's son.

688 On 26 April, 1932, Records of the Swatow District Synod. It came into existence in 1932, its predecessor was the Swatow Intermediate Synod.

689 On 6 September, 1932, *ibid.*

presided over the Swatow Western Missionaries Council at the time, proposed divorce be discussed during the General Synod.⁶⁹⁰ When once again a heated debate flared, Luo Muzhen (罗慕真) proposed that the commissioner of the Regulations Revision Committee, T. W. Douglas James (任杜力), be entrusted with considering the revision of this regulation. Within ten days he gave his opinion, which was as follows:

1. Divorce has become an important problem for the church in recent years, and most of the converts do not know how to deal with it.
2. Although the Lingdong (岭东) General Synod has a regulation⁶⁹¹ which strictly forbids divorce, it has been hard to implement.
3. So far the other General Synods (in the other parts of China) have not yet found a good resolution to this problem.⁶⁹²

Douglas James appealed to the Supreme Synod in Shanghai to consider these three points carefully and provide feasible instructions for the General Synod. As a result of these discussions a new regulation, the eighth and also last regulation in the marriage regulations was inserted into the 1934 constitution of the English Presbyterian Church:

According to the principles that “marriage is sacred” and “one husband and one wife should live together all their lives”, both man and woman have the freedom to choose their spouse with circumspection. Once married, they cannot divorce freely. If there is a converted person involved in a divorce, the presbytery of the church to which he or she is attached should undertake a detailed investigation or report to the District Synod asking for a decision.⁶⁹³

In the 1948 constitution, the significance of the regulation on divorce was emphasized even more strongly.

Concubinage (纳妾) [attached Girl/Servants (nü bi, 奴婢, or Slave Girls)]

Concubinage was permitted under the *Codes of the Qing Empire*, but was severely criticized in the Women's Emancipation Movement in the 1920s. The research of sociologist Pan Guangdan (潘光旦) has shown that in 1927 70 per cent of his interviewees accepted the idea of monogamy and welcomed the abolition of concubinage.⁶⁹⁴ The 1930 marriage laws of the Nanjing Government allowed for the abolition of concubinage but without any concomitant legislation to deal with any ensuing problems.⁶⁹⁵

690 On 25 April, 1933, *ibid.*

691 Meant Article 387 of the 1907 constitution.

692 “1.因年来离婚已成为教会重要问题，信徒大都莫知所从；2.因岭东大会虽有严禁离婚之例，而实际上颇难执行；3.因各大会对于此案恐未有一律办法。” On 3rd May, 1933, Records of the General Synod.

693 The 1934 constitution of the English Presbyterian Church, p.28, no.8.

694 Pan Guangdan 潘光旦, “Zhongguo zhi jiating wenti” 《中国之家庭问题》 [Family Problems in China], Li Wenhui, Xia Mingfang, Huang Xingtao eds., *Compilation of the Social Investigations*, p.287. There were 317 interviewees with various careers, aged between 14 and 57. Those who in their 20s and 30s formed the majority. 77% of them came from Jiangsu and Zhejiang provinces, 44 were women. See *ibid.*, pp.268-271.

695 “关于妾制问题，毋庸规定。因为妾制已经废除，既然法律不承认这种婚姻形态的存在，对于事实上尚存在的，其地位如何，不需要以法典或单行法加以规定。” See Wang Xinyu, *Study on the Modernization*, p.54.

Under criminal law and the laws of inheritance, there still was room for concubinage.⁶⁹⁶ Within the Presbyterian congregation in Chaozhou, cases of male converts marrying concubines were still a frequent occurrence in the period between 1902 and 1933. In contrast, in this same period such alliances seldom seem to have happened in the French Roman Catholic parishes all over China. The explanation given by Poujoulat is that the majority of Roman Catholics were poor; they belonged to the Chinese labouring class and therefore did not have the means to support more than one wife.⁶⁹⁷ It is difficult to know whether this explanation also applied to the Roman Catholics in the Chaozhou region. Interestingly, from an anthropological point of view, does this imply that the Protestants came from higher social strata? So far, not enough data are available to make any decision about this.

The early regulations on marrying a concubine (1881) were integrated into the 1907 constitution of the English Presbyterians and it was not long before they became known among the converts as “the Seven Regulations” (*tiao li qi ze*, 条例七则), mentioned in the previous chapter.⁶⁹⁸ On January 29, 1902, the Swatow Presbytery consulted the General Synod about whether Chen Yuting (陈雨亭), who had married a concubine before he converted, could be baptized and admitted into the Church. The Swatow Presbytery specified that, although his concubine could not separate from him, Chen Yuting did “indeed cherish God in his heart” (其心实有信主). In compliance with Article 793, the case was handed over to the General Synod for judgement. John Gibson proposed that Chen Yuting could be accepted for baptism, but the Swatow Presbytery should read the *tiao li qi ze* publically to those present before the baptism.⁶⁹⁹

This is the first recorded case in which the English Presbyterian Church admitted a man who had a concubine into the church. The protagonist of this case, Chen Yuting, was a wealthy merchant in Swatow. After he converted, he sponsored the construction of the first Woman’s Hospital in Swatow by the English Presbyterian Church in 1903.⁷⁰⁰ Three years later, he co-operated with the English

696 “无论是刑法、婚姻法还是继承法，实际上都为妾制预留了合法空间。” Ibid., p.101.

697 Poujoulat, *Le mariage dans les chrétientés catholiques en Chine*, p.103.

698 Articles 387-393, *Constitution of the English Presbyterian Mission in Swatow*, 1907:

387: According to God’s instruction, a legal marriage is the alliance of one man and one woman; both should fulfil their respective obligations and be lifelong partners, should not dissolute. If a man who has a wife marries another woman, or a woman who has a husband marries another man, both these forms of conduct/acts violate God’s commandment.

388: If a convert marries another woman while his wife is still living, he should be dismissed from Holy Church.

389: If a man married a concubine before he heard the Gospel, he should be forgiven his ignorance according to the doctrines of Gospel. But in deciding whether to accept him for baptism or not, the church should make a detailed investigation, research the doctrines carefully and let him know that he has violated God’s commandment. The church should not easily ignore his sin.

390: If the concubine has borne no children, and she is willing to leave (her husband), she may be allowed to remarry another convert. But the husband should ask the Presbytery to which he is attached for an inspection and decision in advance, so as to avoid offending this woman (concubine).

391: If the concubine has borne children, or she is unwilling to remarry, then they should not be separated.

392: Since a man could not separate from his concubine for this reason (the latter’s unwillingness), he should be reminded explicitly that taking concubine [the point is that concubinage is NOT marriage] is sinful and is prohibited by the Church, only if the situation does not change (事势固结). If an inspection is carried out and it is found that he is pious in his attitude to God, plus that there is no other encumbrance, then the Church can accept him for baptism, but he is forbidden to hold office in the Church.

393: Since this problem is of significant concern and complicated, rather than make a decision by itself, the local Presbytery should report to the General Synod first. Only after the General Synod’s careful inspection and permission can the local Presbytery receive the sinner for baptism.

699 On January 29, 1902, Records of the General Synod.

700 Chen Zelin, “The Presbyterian Mission”, p.439.

Missionary Committee and provided half of the funding⁷⁰¹ for the founding the Anglo-Chinese School, which was a Presbyterian school of the highest level in Swatow at that time.⁷⁰²

In all three cases which were reported between 1902 and 1904, the protagonists had taken a concubine before they converted. All of them were admitted into the church. Eleven more cases were recorded between 1912 and 1933. On April 28, 1914, Guan Jicheng asked the Swatow Intermediate Synod⁷⁰³ to admonish Zou Yahu (邹亚鹄) of Jingzhou (井洲) who had married more than one wife. Lin Fang agreed that his behaviour contradicted the regulations but, since Zou had left to go somewhere else, it would be opportune to cancel his name so as to purify the Church. This proposal was accepted.⁷⁰⁴ Under Article 137 of the 1907 constitution, two measures, admonishment (the first step) and separation (the second step), were necessary before the execution of excommunication. Zou Yahu's absence made such a procedure impossible. The Presbytery therefore had no choice but to expel him from the church.

Around the same time, Mr Zeng Shanyu (曾善余)⁷⁰⁵ was denied Communion for marrying a second wife. When Peng Zeli (彭泽黎) consulted the General Synod about this matter, Lin Fang said that this man should emancipate his new wife within a period of two months, otherwise he should be expelled from the church.⁷⁰⁶ Exactly one year later, Cai Rong (蔡融) replied to the General Synod that Zeng Shanyu had emancipated his second wife, and that she was willing to leave him. Consequently, Lin Fang proposed Zeng be re-admitted into the Church if there was no other encumbrance and this proposal was accepted by the General Synod.⁷⁰⁷ This was the first (maybe also the only) case in which the English Presbyterian Church successfully admonished a convert to separate from his concubine. This shows that, even if a convert married a concubine, he would not be dismissed from the church immediately, as in fact Article 388 of the 1907 constitution required that a convert who married a concubine should be excommunicated. As the phrase 'should be' rather than 'will be' was used, there seems to have been room for negotiation. It appears that, generally speaking, the General Synod tried to avoid excommunication because the church leaders did not want to lose members. On October 5, 1920, David Sutherland (兰大卫) reported to the Swatow Intermediate Synod that Wu Daozhou (吴道周), who had married a concubine, had not yet been expelled because his conscience did not allow him to execute this punishment. Therefore Lin Shoutian (林受天) proposed handing this case over to the General Synod.⁷⁰⁸ On June 21 the next year, the same Lin Shoutian, now a deputy of the General

701 Huang Daxiu 黄达修, "Shantou huaying xuexiao lici xuechao yu fangying douzheng" 《汕头华英学校历次学潮与反英斗争》 [Student strikes and Anti-English Struggles of the Anglo-Chinese School in Shantou], *ibid.*, p.19.

702 Chen Zelin, "The Presbyterian Mission", p.439.

703 The predecessor of the Swatow Intermediate Synod was the General Synod, which governed the Chaozhou and Huizhou prefectures. It was divided into the Swatow and Wujingfu Intermediate Presbyteries in 1901. This special event resulted in the generation of the 1907 constitution.

704 On April 28, 1914, Records of the Swatow Intermediate Presbytery.

705 He came from Luotang (罗塘), Jiangnan. At that time the Jiangnan region included Jiangsu, Anhui and Zhejiang provinces. There was a frequent migration between the Chaozhou and the Jiangnan regions, especially to the city of Shanghai. Zeng Shanyu might have come to Swatow to do business and then settled down there.

706 On May 4, 1915, Records of the General Synod.

707 On May 3, 1906, *ibid.*

708 On October 5, 1920, Records of the Swatow Intermediate Synod.

Synod, proposed ordering the Swatow Intermediate Synod to dismiss Wu Daozhou. This proposal was accepted.⁷⁰⁹ It was not clear whether Lin Shoutian had had any personal discord with Wu Daozhou.⁷¹⁰

In one case, a Christian woman married her daughter off as a concubine to a married man. This woman was the wife of Xie Liang (谢亮). On October 2, 1923, the Yihu (奕湖) Presbytery judged that she had violated Article 386 of the 1907 constitution⁷¹¹ and handed passed her case on to the Swatow Intermediate Synod for judgement. Hou Yichu (侯乙初) sent Wu Guowei and Lin Weizhong (林为重) to undertake a joint investigation in collaboration with the Yihu Presbytery.⁷¹² Seven months later, a decision was made by the Intermediate Synod which forbade Xie Liang's wife, the mother, to attend Holy Communion.⁷¹³

The solutions to these cases show that the English Presbyterian Church was always tolerant to those who had married concubines before they had heard the Gospel, but rather strict in its dealings with converts who did the same. Certainly, the church always tried to avoid the punishment of excommunication, which remained the ultimate resort. These cases also seem to suggest that more and more middle-class people were joining the church.

With the exception of Article 388, Articles 387 to 394 of the 1907 constitution were integrated into the 1934 Constitution, under the title “illegitimate marriage”. The first article was on bigamy and the following six dealt with concubinage but, as shown, converts who committed this sin were given the chance of repentance. Consequently, this article was cancelled since it was no longer applicable. Hence “the Seven Regulations” on marrying a concubine were changed into “the Six Regulations”. In 1948, the six regulations on marrying a concubine in the 1934 constitution were also cancelled. Perhaps after so many years of discussion, concubinage was no longer a serious problem in the Presbyterian congregation.

Girl servants (nü bi, 奴婢, or slave girls) formed an accessory issue. Strictly speaking, their situation should not have been discussed under the heading of marital practice. However, as they grew up some of the girl servants would become the concubines of their masters and in this way the practice was related to the issue of concubinage discussed above. Moreover, there are links to the custom of small daughter-in-law, in the sense that these young girls were sold as prospective concubines by their parents.

The girl servants were born into poor families and were sold as maids to do daily housework in the homes of well-to-do families when they were six or seven years old. They either worked as servants or as companions to the noble mistress or her daughters. The controversies surrounding the institution of girl servants, which was called *mui tsai* (妹仔), can be traced back to Hong Kong in the late 1870s, when

709 On June 21, 1921, Records of the General Synod.

710 The discussion of this case can also be found in the English Presbyterian Church archives, see “The Lingdong Synod, 1921,” Library of the School of Oriental and African Studies, University of London, The Presbyterian Church of England Archives, Foreign Mission Committee, microfiche no.653. Quoted from Joseph Tse-Hei Lee, “Preaching (chuan), Worshipping (bai), and Believing (xin): Recasting the Conversionary Process in South China”, Leiden: Brill, 2011.

711 Means “to induce someone else to marry a man who has a wife”.

712 On October 2, 1923, Records of the Swatow Intermediate Synod.

713 On April 29, 1924, *ibid*.

the Chief Justice, John Smale, ruled that this practice was the equivalent to the existence of slavery in the colony. In the Chaozhou context, girl servants often fell victim to abuse, either by their masters or mistresses.

The case of Light Follower (姚顺观), daughter of Bible-woman Ding Ling (丁铃, Long), is an example of the miserable fate of a girl servant in the late Qing period. Although she was a Christian, poverty forced Long to sell Light Follower to the wife of a government official in the district city of Chaoyang. The latter intended to raise Light Follower and sell her to some rich man as concubine.⁷¹⁴ Light Follower suffered physical abuse, for instance she was whipped and starved until she could not stand and resorted to eating the bitter skins of fruit which had been cast into the gutter. The mistress was so cruel that she would pinch Light Follower with the heated tongs, “in places where the burn would not be detected”.⁷¹⁵ Light Follower suffered for one and a half years. When Long heard of her daughter’s misery and discovered that her mistress hated her and wished to sell her off, she went to the Baptist Church for help. Five pounds were needed to redeem Light Follower. The members of the church gave her 33 shillings. Long borrowed 18 pence from her two married daughters, contributed 3 shillings of her own money and the rest was provided by the minister. Light Follower was eventually rescued. However, for a long time Long and her husband were distrusted by the Church and the congregation who blamed them for having sold their daughter.⁷¹⁶ In 1904, the *Lingdong Daily* (岭东日报) reported that a girl servant of about six or seven years of age was being severely beaten by her mistress (who was a concubine in the family) and therefore no longer dared to return home.⁷¹⁷ Stories about run-away girl servants were frequently reported in this journal in the early 1900s. However, it was not until 1915 that the sale and purchase of girl servants was tabled in the Intermediate and General Synods.

On September 14, 1915, Lin Fang proposed that converts be forbidden to purchase girl servants. Consequently, the Swatow Intermediate Synod entrusted Lin Fang, Liu Zerong, Lin Chongsan (林重三), Cai Zi (蔡芝), Xu Xiuling (许修翎), Huang Shouting and Hou Yichu to draft detailed regulations.⁷¹⁸ After seven months had passed, Lin Fang handed over the following regulations:

1. Purchasing a girl as a servant contradicts our Lord the Saviour’s humanity, and transgresses every human being’s right to liberty, easily leads to abuse, easily causes temptation and suspicion.
2. Although pawning a little girl as a worker (典女子为工作, or 典女为工人) seems different from purchasing a girl as servant, the principle is the same, therefore both should be banned.
3. Each Presbytery should try to emancipate the girl servants who have been purchased by Christian families.
4. The Intermediate Synod should order each church (to instruct its members) [not in the text and added by CXy] not to purchase girls as servants and no longer to employ young girls as workers. Those

714 Fielde, *Pagoda Shadows*, p.151.

715 Ibid., pp.151-152.

716 Ibid., p.152.

717 《岭东日报》，光绪三十年五月初十日（1904）。

718 On September 14, 1915, Records of the General Synod.

who violate this regulation should be condemned.⁷¹⁹

At Lin Shoutian's suggestion, eight days later the Intermediate Synod handed this resolution over to the General Synod, whereupon Qiu Jiaxiu (邱家修) proposed this resolution be sent back to the Swatow and Wujingfu Intermediate Synods for further discussion before it was passed by the General Synod.⁷²⁰ Lin Fang reiterated his proposal to forbid the employment of under-age girl workers and the purchase of girl servants,⁷²¹ but the Wujingfu Intermediate Synod replied to the General Synod that the drift of the proposed regulation was obscure and asked for a more detailed explanation.⁷²²

In Hong Kong the early attention paid to the girl servant (*mui tsai*) system did not result in much social change until 1917, when individuals and organizations locally and in Britain again began to champion this cause. The persistent emigrant network between Chaozhou and Hong Kong, including both Christians and non-Christians, seems to have been the vehicle which brought back the latest news about the emancipation of girl servants. In the autumn of 1918, the Swatow General Synod received the consent of Wujingfu Intermediate Synod to this regulation. Both Intermediate Synods were then ordered to put this regulation into practice.⁷²³ After four years of debate, the problem seems to have been settled.

Chris White has demonstrated that in Xiamen (Amoy) in the 1920s the issue of slave girls was a growing concern for Chinese who had been influenced by the outrage brewing in Hong Kong.⁷²⁴ In 1930, Xu Chuncao (许春草), an influential figure in the Presbyterian Church and the local society in general established the Society for the Relief of Chinese Slave Girls, which was an asylum to rescue persecuted girl servants.⁷²⁵ However, because of the lack of specific cases in the synod records, it is hard to discover how exactly the emancipation movement for girl servants operated in the Chaozhou region. It is impossible to form an idea about how the regulations pertaining to girl servants worked out in practice. One point is for sure, the 1934 constitution of the Lingdong Presbyterian Church did not include these regulations. Does this omission mean that the problem had been solved once and for all in the English Presbyterian congregation in the autumn of 1918? The civil section of the Shantou Municipal Archives provides evidence that the custom of purchasing girl servants was still prevalent among non-converts in the 1940s. Whether this was also the case among the Christians is still open to debate. Although the issue of girl servants does not concern marriage, it shows how this vulnerable group, just as that of the concubines, was protected within the congregation.

Small Daughter-in-Law (Xiao xi, 小媳, or Tong Yang, 童养, Child bride)

719 On April 25, 1916, *ibid.*

720 On May 3, 1916, Records of the General Synod.

721 On September 19, 1916, Records of the Swatow Intermediate Synod.

722 On May 1, 1917, Records of the General Synod.

723 On September 24, 1918, Records of the Swatow Intermediate Synod.

724 Chris White, "Rescuing Chinese Slave Girls in Republican Xiamen", The 5th International Young Scholars' Symposium on "Christianity and Chinese Society and Culture" (December 6-8, 2010).

725 From 1930 till its close in 1941 because of the Japanese invasion, over 200 girls sought refuge with the Society. *Ibid.*, p.20.

The term “small daughter-in-law” refers to the practice of early betrothal. Adele Fielde of the ABM describes the custom as follows: “Among the poor, it is not uncommon for a newly born daughter to be given away, that a girl of another clan may be taken by the mother, reared at her breast, and bestowed upon her son after years. In many families there is at least one little daughter-in-law being brought up in the house of her future husband.”⁷²⁶ Fielde claimed that the root of this situation lay in the universal and intense desire for posterity in the male line of descent, which led to enormous self-sacrifice on the part of parents in order to secure wives for their sons.⁷²⁷ Her observation demonstrates that it was not ‘girls’ as such that who were worthless, it was the girls that were raised in their natal families. In the eyes of the parents of the poor families, the daughters-in-law were worth more than their own daughters. When married off, daughters brought in some money, and ceased to be a burden to the family, whereas the longer they were in their parents’ families, they cost money and had less chances to be married off. In the feverish search for offspring via the male line, a family’s own daughter could easily be seen as encumbrance of whom there should have been fewer rather than more. Too many daughters prevented a family from raising its son(s) adequately. The upshot was that it would try to have its daughters married off as early as possible. In rural China, therefore, baby girls were often victims of infanticide;⁷²⁸ in times of famine, young girls were sold for a pittance to maintain the survival of the family. Similarly, families who had many sons would be inclined to sell one of them to families who had none, especially when the times were hard economically. These adoptive sons would be treated as biological sons, substituting for the male heir they did not have.

Among the Roman Catholic congregation, *tong yang* (童养, short for 童养媳, a daughter-in-law who was reared from her infancy) was a popular custom. Usually the girls were between five and ten years old when they were betrothed and sent to the family of their future in-laws owing to the extreme poverty of their own families.⁷²⁹ The *tong yang* custom was a major target of criticism among the French Missionaries. Compared with the discussions above on bigamy and concubinage, the problem of the small daughters-in-law arose quite early, in the mid-1880s, in all of the missions including the English Presbyterians. In the initial church planting stage, the aim of the missionaries was not to ban the purchase of small daughters-in-law, but to focus on the question of whether the non-consanguineous children in a Christian family could be baptized or not. The following case is a good example.

On May 6, 1885, George Smith, a Presbyterian missionary, proposed in the General Synod that, although it was by no means advantageous for a convert to buy a small daughter-in-law, the latter could be baptized. In the purchase of a little boy, inspired either by affection or the desire to guarantee an

⁷²⁶ Fielde, *A Corner of Cathay*, pp.34-35.

⁷²⁷ Ibid., p.34.

⁷²⁸ James McMullan, the internationally acclaimed illustrator and poster designer, recalled that when his grandparents, James and Eliza McMullan, arrived in Shandong, China in 1880s, what they confronted “was a cruel solution to over-population, the officially decreed murder of second-born baby girls.” See http://jamesmcmullan.com/frame_brbiog.htm, consulted on 2011-1-27. Though it seems an exaggeration, infanticide was indeed a popular practice throughout the empire in the late Qing period.

⁷²⁹ Poujoulat, *Le mariage*, p.51, p.173.

heir, each local presbytery should use its own discretion to determine whether to baptize the purchased boy or not, taking account of each specific situation. John Gibson stated his opinion on this matter as follows:

Parents who sell their own son to be another's son, or selling their own small daughter to be another's small daughter-in-law display patterns of behaviour which kills their affection for their children and fail to undertake the obligations of educating and caring for their children. Such ways of behaving are improper. Furthermore, it is also wrong to purchase another's little daughter as one's small daughter-in-law. Hopefully the members of our congregation can transform this social custom. Those Christian families which already have boys or girls who come from the other families as their heirs and daughters-in-law, they should be received for baptism.⁷³⁰

His opinion was supported by his colleague Hur L. Mackenzie. According to some Protestant theologies on Baptism (like 'Covenant theology'), God's promise of Salvation is thought to work through the biological line of the believers. Whether this was also the case for their adopted children was a matter of debate in many conservative Protestant circles. It is possible that Gibson's reluctance to baptize adopted children, coupled with his apparent disapproval of the custom as such, was also related to concerns about such theologies of baptism. Gibson's proposal was integrated into the 1907 constitution, and reprinted as Article 48.

No specific discussions on small daughters-in-law are mentioned in the General Synod. However, the compromising attitude and the solution which the local presbyteries could "determine by themselves whether to baptize the purchased boy or not" imply that, in practice, many presbyteries did baptize them. The French Roman Catholic mission took a different, contrary view of this issue. What the French priests feared most about infant betrothal or the custom of small daughters-in-law was that these killed the possible religious vocation of the infant fiancé(e)s, because naturally the transfer implied the (potential) marriage of the child. Father Hermand asserted that this institution might stand in the way of priesthood:

This child might one day consider the priesthood [when he grew older, CXy], however he cannot make the decision because his life has been arranged and he is well aware that he is betrothed. Later, at sixteen, seventeen or eighteen, when he feels the compulsion to follow a religious vocation, it is too late: he is already married. This is the situation and this state of mind of the Chinese which those who reproach us for not training enough priests should try to understand.⁷³¹

The French priests did not stop at criticism, they also took action and tried to break the bond of infant betrothal. There are cases of the rupture of infant betrothal recorded.⁷³² It was apparent that the

730 “凡卖己儿为他人之子，并卖幼女为他人小媳，乃失其父母之爱情，并废教养之正分，实属非宜之例。且买纳他人之幼女为小媳，亦属不宜，希吾会中人改变此等例俗。但吾信主之家既有他家之子女归为嗣息，须当接之领洗”，on May 6, 1885, Records of the General Synod.

731 “Tel enfant qui pourrait un jour songer au sacerdoce, ne s'arrêtera même pas à cette idée, parceque 'sa vie est faite' et qu'il se sait fiancé; plus tard, à seize, dix-sept, dix-huit ans, quand il se sentirait la force de suivre une vocation, il est trop tard: il est marié. Que ceux qui nous reprochent de ne pas faire assez de prêtres, essaient de comprendre cette situation et cette mentalité chinoise.” Hermand (Père), “Au district”, *Relatons de Chine*, Volume XI, Octobre 1933, p.556. Poujoulat, *Le mariage*, p.199.

732 One in Southeast Zhili province, 1910; one in Jiangsu province, 1933; one in Zhejiang province, 1936. See Poujoulat, *Le mariage*, p.239.

custom of small daughters-in-law was more accepted in the Presbyterian congregation than in that of the French Roman Catholics.

The English Presbyterian Church remained tolerant of the institution of the small daughters-in-law during the first two decades of the twentieth century. In 1916, the churches in Huizhou Prefecture entrusted Hu Xiangrong (胡向荣) to ask the Swatow Intermediate Synod how much betrothal money should be paid for rearing a small daughter-in-law and for a marriage.⁷³³ This question reveals not only the continued existence of small daughters-in-law in Christian families but also betrays a fair degree of acceptance; otherwise the matter of payment would not have been brought before the Synod. As a result of the Woman's Emancipation Movement, the superior court of the Warlord Government in Beijing (北洋政府大理院) decided in that, "even though the parents had betrothed their under-age children, they could not force them to marry if the latter did not agree to do so".⁷³⁴ Though this law accepted the custom of small daughters-in-law, it did give these girls the right to determine their own marital destiny. The English Presbyterian Church seems to have taken great strides forward: on June 19, 1923, the Wujingfu (五经富) Intermediate Synod petitioned the General Synod to forbid the sale and purchase of small daughters-in-law saying that "(The tradition of) selling and purchasing small girls as *tong yang xi* (infant-reared daughter-in-law) is extremely uncivilized; it is also very harmful for boys and girls to marry/to be married in their infancy." The General Synod was asked to issue a special regulation which would strictly forbid this tradition. A hot debate ensued among the deputies: Peng Song was against the prohibition of this custom among the Presbyterian congregation and proposed to continue to adhere to existing Article 48. Liu Zerong proposed that the regulation which forbade the baptism of *tong yang xi* unless they had been adopted previous to conversion of her parents be revised. Thomas Gibson, son of John Gibson, proposed that this problem be referred to the commissioner of the Education Committee. When the deputies could not reach an agreement, a vote was taken, Thomas Gibson's proposal was adopted and the decision was postponed.⁷³⁵

Although Peng Song and Liu Zerong had different ideas, one point they held in common was that both of them were unwilling to forbid the sale and purchase of small daughters-in-law. This might be a clue which implies that this custom was quite prevalent among the wealthy Presbyterian families. Nearly one year later, Cai Rong, the commissioner of the Education Committee, formulated four resolutions to deal with this problem, but Lin Fang thought they needed to be modified even more.⁷³⁶ On May 5, 1925, Sun Weiwen (孙渭文) who had replaced Cai Rong as the commissioner of the Education Committee in the meantime, reported that several words (in *italic*) should be added to Article 48: "The boys or girls whom Christian families already have adopted from the other families as their heirs and

733 John Gibson proposed to let the secretary consult to the relevant regulations and replied these churches. On September 19, 1916, Records of the General Synod.

734 "父母为未成年子女所定婚约, 对于不同意之子女不能强其履行", 上字第 1009 号大理院判例, 民国十一年。See Wang Xinyu, *Study on the Modernization*, p.155.

735 On June 19, 1923, *ibid*.

736 On May 6, 1924, *ibid*.

daughters-in-laws *before hearing the doctrines* [i.e. before the conversion of the parents, CXY] should be received for baptism.” In addition, he reported the following four resolutions:

1. The selling and purchasing of little girls as small daughters-in-law has various harmful impacts on the marriages of these children; it is necessary to admonish the Christian families to abolish this tradition.
2. In families which are rearing a small daughter-in-law, the householders can still be baptized after they have heard the Christian doctrines, but they cannot make the pledge of baptism in name of their daughter-in-law.
3. If the small daughter-in-law is willing to marry her betrothed husband when she grows up, a public and formal wedding ceremony should be held before God.
4. If the small daughter-in-law does not want to marry her betrothed husband, the householders should regard her as their daughter, and marry her to a member of the Church who has been chosen carefully, so that no suspicion and dispute is caused.⁷³⁷

The tolerant attitude of the English Presbyterian Church to the presence of small daughters-in-law in the Christian families between 1885 and 1925 remained unchanged, but the 1925 regulations did not allow the baptism of the non-biological offspring in a Christian family. They even tried to admonish the Christian families to abolish the tradition of small daughters-in-law. As did the government law, the girls were granted the choice of marrying their betrothed husbands or refusing them. Providing that she wished to marry someone else, that new husband should be a Christian.

Conclusion

After examining how the Christians dealt with cases reported⁷³⁸ to the Presbyterian Synod at different levels, it is illuminating to examine the geographical distribution and incidence of the cases about bigamy, divorce, concubinage and the sale and purchase of small daughters-in-law. This exercise helps us to discover more about the influence of the Presbyterian marriage regulations in the Chaozhou region.

Two marital disputes about bigamy were reported in the early 1880s, one in Hetian, a Hakka station on the Huizhou-Chaozhou prefectural border;⁷³⁹ one in Mianhu, a Hoklo town in the Rong River Zone, located on the border of Hoklo and Hakka regions.⁷⁴⁰ In 1894, a case of divorce occurred in Mianhu.⁷⁴¹ Just as the horse which bolted from the stable, the first case was followed by others. This is also demonstrated by two cases in the village Fengkou in Jieyang district, one about bigamy, one about concubinage,⁷⁴² and two cases of divorce in Denggang,⁷⁴³ both in the Rong River Zone.

⁷³⁷ On May 5, 1925, *ibid.*

⁷³⁸ Surely there were more cases than those which have been reported.

⁷³⁹ Qui Azhong, early 1880s, Records of the General Synod, applicable to the following footnotes.

⁷⁴⁰ Auntie Shun, 1884.

⁷⁴¹ Chen Chi, 1894.

⁷⁴² Huang Zhengming, 1897 and Jiang Longhan, 1902.

Between 1898 and 1914, most of the divorce cases occurred in Raoping district.⁷⁴⁴ The village of Yanzaao (盐灶), located nearby, was the stronghold of the English Presbyterian Church, and hence new ideas on marriage were transmitted from there to the district and subsequently influenced the minds of the Christians.

Between 1902 and 1905, two cases, one about concubinage, the other on divorce, took place in the new, booming treaty port Swatow;⁷⁴⁵ two cases were reported in the district city Jieyang, one concubinage, the other bigamy.⁷⁴⁶ After 1915, most cases occurred in Swatow and its suburbs.⁷⁴⁷ The influence of the new ideas about marriage propagated by the EPM reached the Huizhou-Chaozhou prefectural border, which is reflected in two cases; the first on concubinage; the second on bigamy, which occurred in Huilai district in 1926 and 1933.⁷⁴⁸

Although discussions on the marriage practices of Chinese Christians appeared occasionally in the official reports or private letters of the missionaries of some other missions in China, the complete Chinese synod records of the EPM in the Chaozhou region make it possible to track how new ideas about married life were introduced, contested and incorporated into the lives of Chinese Christians. This chapter has shown how the Presbyterians were more flexible than the ABM and the French Roman Catholic Mission in accepting a certain number of these Chinese practices in their communities, even to the point of having second wives and concubines continue living with their spouse after conversion, if at least all parties agreed.

Contextualization is important in understanding the reasons which lay behind the cases of bigamy in Chaozhou society. The frequency of such cases might be attributable at least in part to the tradition of emigrant workers in the Chaozhou region: there were many grass widows living separated from their husbands. It seems that having been influenced by the Christian ideas of equality between men and women, including the companionship of husband and wife, some women were no longer willing to wait for their absent husbands to return. Hu Weiqing rightly concludes that Christian women who repudiated their husbands and remarried should be taken as evidence of the increasing autonomy of women in marriage. However, he overlooks the suffering of the Chaozhou grass widows waiting for the return of their absentee husbands: some for years, some for the rest of their lives.

In the case of a divorce, the Presbyterians introduced a joint covenant which protected the rights of both parties in a marriage, but especially those of the wife. It was mentioned in the previous chapter that the regulation of the Basel Mission granted the right for the wives to divorce their husbands for the first time. This was a great challenge to the traditional male-dominated society, in which of course a husband still had right to divorce his wife. However, the cases of divorce in the English Presbyterian

743 Yang Xingsheng, 1902 and Wang Qianshu, 1904.

744 Seven cases in total: Wu Hua, 1898; Lin Ruixi, 1899; Chen Yuanxiao, 1903; Zheng Qing, 1904; Huang Wan, 1906; Wife of Yu Yuezhen, 1912; Zou Yahu, 1914.

745 Chen Yuting, 1902; Yang Jiancheng, 1904.

746 Xie Wei, 1904; Wei Xihua, 1905.

747 Six in total: Zeng Shanyu, 1915; You Jinghou, 1916; Xu Yuyi, 1920; Wu Daozhou, 1920; Lin Zhiwu, 1920; Cai Chunfu, 1931

748 Chen You, 1926; Cai Zongguan, 1933.

congregation show that women were still the vulnerable party. Having grown up in a traditional society, the first two generations of Chinese male converts were more likely to judge their spouses according to the Confucian doctrines. In times of marital crisis, they still resorted to the traditional “seven justifying causes” to repudiate their wives. In all these cases, not a single word of the wives was recorded. Nevertheless, at least the involvement of presbyteries gave them some limited support; one of the female converts even resorted to a direct petition to the General Synod to solve a marital dispute, which was a good start.

It has been clearly shown in the previous and present chapters that the missions were pioneers in helping to introduce new marriage patterns in China which differed from the civil marriage laws of the Qing Empire and the Republic of China. The empirical cases which were recorded help to distinguish the missions in their attitudes to gender. Cases of concubinage occurred frequently in the Presbyterian congregation in Chaozhou between 1902 and 1933, but this custom seldom seems to have emerged in the French Roman Catholic parishes all over China. This situation might imply that the Protestants came from higher social strata than the Roman Catholics. Though this remains a hypothesis which requires more research.

The custom of buying a small daughter-in-law was a target of criticism for both the English Presbyterian and the French Missionaries, especially by the latter. However, each mission had its own iron in the fire. Protestant theologies on Baptism, for instance “Covenant theology”, assumed that God’s promise of Salvation was thought to work through the biological line of the believers. Perhaps influenced by this theory, the Presbyterian missionaries showed hesitation in baptizing small daughters-in-law, the adopted children, in Christian families. The French Roman Catholic mission had a different view: the custom of small daughters-in-law, or infant betrothal, was regarded by the Roman Catholic priests as an evil which killed the possible religious vocation of the infant fiancé(e)s. Therefore they tried to eradicate the custom of infant betrothal.

The Presbyterian marriage regulations also underwent an evolution. They were revised and re-issued to be used in the new situation which confronted the Presbyterians: the problem of bigamy was always important in the Chaozhou region; cases of concubinage emerged frequently in the first three decades of the twentieth century, but were successfully settled from the mid-1930s, as indeed were the problems of the small daughters-in-law and girl servants. From 1930s, divorce became an increasingly serious problem. All of these problems resulted in the evolution of Presbyterian marriage regulations in Chaozhou between the 1880s and 1948.